

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 COMCAST OF CALIFORNIA III, INC.,

No. C 05-00718 CRB

12 Plaintiff,

**ORDER GRANTING MOTION FOR  
DEFAULT JUDGMENT**

13 v.

14 STEPHANE TARDIF, et al.,

15 Defendants.  
16 \_\_\_\_\_/

17 Now pending before the Court is Magistrate Judge Edward Chen's Report and  
18 Recommendation of March 8, 2006, recommending that defendant's motion for default  
19 judgment be granted as to Stephane Tardif and denied as to Jacques Tardif for incomplete  
20 service of process. After carefully considering the recommendation and defendant's moving  
21 papers, the Court adopts the Report and Recommendation and hereby GRANTS the motion  
22 for default judgment against Stephane Tardif in the amount of \$400,401.93 in United States  
23 currency. The motion for default judgment against Jacques Tardif is DENIED without  
24 prejudice to Comcast re-filing the motion if he is properly served and fails to appear in this  
25 matter.

26 Because no adjudication has been determined as to Jacques Tardif, however, the Court  
27 refrains from entering judgment against Stephane Tardif at this time. See In re First T.D. &  
28 Inv. Inc., 253 F.3d 520, 532 (9th Cir. 2001) (citing Frow v. De la Vega, 82 U.S. (15 Wall.)  
552 (1872)) ("[W]here a complaint alleges that defendants are jointly liable and one of them

defaults, judgment should not be entered against the defaulting defendant until the matter has been adjudicated with regard to all defendants.”).

**IT IS SO ORDERED.**

Dated: March 30, 2006

  
\_\_\_\_\_  
CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

United States District Court

For the Northern District of California